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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Sixth session
Budva, Montenegro, 11–13 September 2017
Item 6 (a) of the provisional agenda
Substantive issues: access to information, including electronic information tools

Draft decision VI/1 on promoting effective access to information*

Prepared by the Bureau

Summary

The present document sets out a draft decision on promoting effective access to information, prepared by the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

In view of its mandate to "make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention" (ECE/MP.PP/2/Add.15, para. 2 (d)), at its twentieth meeting (Geneva, 15–17 June 2016) the Working Group of the Parties requested the Bureau to prepare a draft decision on access to information to be submitted to Meeting of the Parties for consideration at its sixth session.

The Bureau prepared an initial draft decision on the basis of the relevant outcomes of the Working Group's twentieth meeting, the note by the Chair of the Task Force on

* There have been no major substantive changes made to the most recent version of the text, published as document ECE/MP.PP/WG.1/2017/L.1. The present document is therefore being submitted for publication without formal editing.

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Access to Information submitted to that meeting (AC/WGP-20/Inf.1), the outcomes of the Task Force's work in the intersessional period and the previous decision of the Meeting of the Parties on the same subject (decision V/1). As agreed, the draft decision was then distributed to Parties and stakeholders on 27 September 2016 for comments by 7 November 2016.

The Bureau considered the comments received and prepared the revised version of the draft decision for further consideration and approval by the Working Group at its twenty-first meeting (Geneva, 4–6 April 2017).

At its twenty-first meeting the Working Group revised and approved, as amended at the meeting, the draft decision on promoting effective access to information (AC/WGP-21/CRP.1)[1] and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

[1] Available from http://www.unece.org/index.php?id=43897#/.

The Meeting of the Parties,

Recalling the provisions of articles 4 and 5 and other relevant provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Further recalling its decisions I/6, II/3 and III/2 on electronic information tools and the clearinghouse mechanism, decisions IV/1 and V/1 on access to information, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

Recognizing that effective public access to environmental information is critical for the successful implementation of a number of Sustainable Development Goals and for supporting the work on a data revolution,[2] and is specifically targeted by Sustainable Development Goal 16 (target 10),

Also recognizing the need to ensure that modern information and communication electronic tools should be fully employed so as to safeguard effective implementation of the information pillar of the Convention,

Mindful that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Information to date have collectively shown that challenges remain with regard to the full implementation of the information pillar of the Convention across the region, and also to making information fully publicly accessible in a transparent and effective way,

Noting the cross-cutting nature and wide scope of environmental information and its linkages with geospatial, statistical, hydrometeorological, health, Earth observation and other relevant information,

Having reviewed the reports of the Task Force on Access to Information submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2015/3, ECE/MP.PP/WG.1/2016/3 and ECE/MP.PP/WG.1/2017/4),

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Information and expresses its gratitude to the Republic of Moldova for its leadership of the Task Force;

2. *Welcomes* initiatives by Parties, signatories, partner organizations and other stakeholders to widen and improve public accessibility of environmental information, including through electronic information tools and e-government,[3] open government data,[4] the Shared Environmental Information System in the pan-European region and other similar initiatives;

3. *Also welcomes* initiatives by Parties, signatories, partner organizations, and other stakeholders to create single web access points, conceived to be user-friendly, that aggregate data and information resulting from different reliable sources;

4. *Invites* Parties, signatories, partner organizations and other stakeholders to continue strengthening implementation of the information pillar of the Convention at the national level, in particular public access to information regarding the quality of the

[2] For more information, please see: http://www.undatarevolution.org/

[3] E-government initiatives encompass activities of the public authorities to deploy information and communication technologies for improving knowledge and information in the service of the public.

[4] Open government data initiatives encompass activities to make information or data produced or commissioned by governments available for everyone to access, reuse and redistribute without any restrictions.

environment and emissions into the environment in accordance with the Convention, hazardous substances and wastes, environment-related product information and decision-making in environmental matters;

5. *Also invites* Parties, signatories, partner organizations and other stakeholders to take necessary measures to ensure public access to real-time, as appropriate, up-to-date, accurate and functional environmental information, and to promote its interoperability, sharing and accessibility in forms and formats meeting the needs of different users;

6. *Urges* Parties to ensure that the scope of environmental information is interpreted broadly in line with the requirements of the Convention when executive regulations, legislative and policy documents relating to access to environmental information are prepared, and in the process of taking decisions on the disclosure of such information, and to engage the relevant environmental expertise in these processes for this purpose;

7. *Invites* Parties and signatories to keep under continuous review the application of the exceptions in disclosure of environmental information and to take, as appropriate, necessary measures to establish a clear and predictable legal framework to ensure the legitimate application of these exceptions and the disclosure of information on emissions in accordance with the Convention;

8. *Calls* on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to continue sharing good practices, case studies, project outcomes and other useful material through the Aarhus Clearinghouse and online databases, and to support the development of national nodes;

9. *Also calls* on Parties, signatories, partner organizations and other stakeholders to promote the wider use of modern electronic information tools as an effective instrument for putting into practice the Convention's provisions, including through public-private partnerships;[5]

10. *Reiterates* the important role of Aarhus Centres, the media, public libraries and other information sites in facilitating public access to environmental information and calls on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to support their relevant activities;

11. *Decides* to extend in time the mandate of the Task Force on Access to Information, under the authority of the Working Group of the Parties to the Convention;

12. *Welcomes* the offer of the Republic of Moldova to lead the Task Force on Access to Information;

13. *Requests* the Task Force on Access to Information, subject to the availability of resources, to promote the exchange of information, case studies and good practices, and to discuss possible further developments and the strengthening of public access to environmental information, with special attention to:

(a) Effective protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention;

(b) Active dissemination of environmental information:

(i) With the focus on the update of the recommendations set out in decision II/3, taking into account the developments in the Shared Environmental Information System, geospatial information management, Earth observation data, e-Government,

[5] A public-private partnership is a scheme that involves cooperation between the public and the private sector aiming at financing, designing, implementing and operating public sector infrastructure and services supporting the implementation of the Convention.

open government data, reuse of public sector information and other relevant initiatives across the region and recent technical developments;

(ii) Along with the provision of all necessary information to the public in case of an imminent threat to human health and the environment;

(iii) Focusing on the use of modern technologies by the public for assembling, exchanging and using environmental data and information;

(c) Public access to environmental information of particular types with a specific focus on:

(i) Access to environment-related product information;

(ii) Access to information with respect to genetically modified organisms;

(iii) Access to information on emissions into the environment;

(iv) Access to information in environmental decision-making procedures;

(d) Further population of the Aarhus Clearinghouse for Environmental Democracy;

(e) Application of restrictions on access to environmental information in accordance with the Convention, specifically including internal communication within the public administration in order to have a better awareness of specific competences and facilitate public access to required information;

14. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention's activities on access to information, support relevant capacity-building activities at all levels and to allocate resources for this matter as far as possible;

15. *Entrusts* the secretariat, subject to the availability of resources, to participate in and implement, as appropriate, capacity-building activities, including workshops and trainings; to contribute to relevant initiatives under other forums; and to promote electronic information tools in the region and beyond through the maintenance and further development of the Aarhus Clearinghouse, media tools and online databases (e.g., the jurisprudence database, national implementation reports and the Aarhus Good Practice database);

16. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public access to environmental information during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences in the subject matters that deserve particular attention.

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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Sixth session
Budva, Montenegro, 11–13 September 2017
Item 6 (b) of the provisional agenda
Substantive issues: public participation in decision-making

Draft decision VI/2 on promoting effective public participation in decision-making*

Prepared by the Bureau

Summary

The present document sets out a draft decision on promoting effective public participation in decision-making prepared by the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

In view of its mandate to "make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention" (ECE/MP.PP/2/Add.15, para. 2 (d)), at its twentieth meeting (Geneva, 15–17 June 2016), the Working Group of the Parties requested the Bureau to prepare a draft decision on promoting effective public participation in decision-making for consideration by the Meeting of the Parties at its sixth session.

The Bureau prepared an initial draft decision on the basis of the relevant outcomes of the twentieth meeting of the Working Group of the Parties, the note by the Chair of the Task Force on

* There have been no major substantive changes made to the most recent version of the text, published as document ECE/MP.PP/WG.1/2017/L.2. The present document is therefore being submitted for publication without formal editing.

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Public Participation in Decision-making (AC/WGP-20/Inf.2) submitted to that meeting, the outcomes of the work undertaken by the Task Force in the current intersessional period and the previous decision of the Meeting of the Parties on the same subject matter (decision V/2).

As agreed, the draft decision was then distributed to Parties and stakeholders on 27 September 2016 for comments by 7 November 2016.

The Bureau considered the comments received and prepared a revised version of the document for further consideration and approval by the Working Group at its twenty-first meeting (Geneva, 4–6 April 2017).

At its twenty-first meeting, the Working Group revised and approved, as amended at the meeting, the present draft decision on promoting effective public participation in decision-making (AC/WGP-21/CRP.2),[1] and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

[1] Available from http://www.unece.org/index.php?id=43897#/.

The Meeting of the Parties,

Recalling the provisions of articles 6, 7 and 8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), and the provisions of article 6 bis of the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms,

Also recalling its decisions EMP.II/1 and V/2 on public participation in decision-making, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

Recognizing the critical role of effective public participation for successful implementation of the Sustainable Development Goals,

Mindful that the 2014 cycle of national implementation reports, the findings of the Compliance Committee and the work carried out under the auspices of the Task Force on Public Participation in Decision-making to date have, collectively, shown that challenges remain to the full implementation of the second pillar of the Convention across the region,

Recognizing the vital role played by the Task Force on Public Participation in Decision-making in bringing together experts from governments, civil society and other stakeholders to exchange experiences regarding those challenges and to explore possible good practices to address them,

Welcoming the important contribution to furthering implementation of the second pillar played by organizations engaged in capacity-building at the national and subregional levels,

Also welcoming the work of Aarhus Centres in several countries, as platforms to facilitate public participation by providing environmental information, raising public awareness, promoting participatory debate on environmental policies, programmes and projects and providing assistance to members of the public in exercising their rights,

Underlining the need to further the implementation of the second pillar of the Convention (articles 6, 7, 8 and, prospectively, 6 bis) so as to provide for more effective public participation in decision-making in environmental matters,

Having reviewed the reports of the Task Force on Public Participation in Decision-making submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2015/4, ECE/MP.PP/WG.1/2016/4 and ECE/MP.PP/WG.1/2017/5),

1. *Notes* with appreciation the work undertaken by the Task Force on Public Participation in Decision-making and expresses its gratitude to Italy for its leadership of the Task Force;

2. *Recognizes* the valuable role in a number of Parties of the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (Maastricht Recommendations) (ECE/MP.PP/2014/2/Add.2), developed under the auspices of the Task Force, and invites Parties, signatories, other interested States and stakeholders to use them as a guidance to improve implementation of the second pillar of the Convention, including by translating them into national and, as appropriate, local languages, and distributing them among all relevant target groups dealing with public participation at the national and subnational levels, such as public authorities, non-governmental organizations, operators, the private sector and the general public;

3. *Welcomes* initiatives taken by Parties, signatories, international organizations, non-governmental organizations, research institutes and other stakeholders to study good practices, examine practical means of promoting more effective public participation in environmental decision-making and share their findings and experience, and encourages further activities to this end;

4. *Requests* the secretariat to make information on such activities as widely accessible as possible through the Aarhus Good Practice database and other online tools;

5. *Invites* Parties, signatories, international organizations, non-governmental organizations and other stakeholders to strengthen implementation of the public participation pillar of the Convention at the national level, and where possible to make resources available for this purpose;

6. *Invites* organizations engaged in capacity-building to further the implementation of the second pillar of the Convention and to focus on developing training programmes at the national level, as a priority, and also at the subregional level, for public officials involved in the day-to-day task of carrying out public participation procedures covered by articles 6, 7 and 8 of the Convention;

7. *Invites* researchers focusing on participatory processes and environmental decision-making to use the resources gathered under the auspices of the Task Force in their research, and also to share the results of their research with the Task Force;

8. *Encourages* Parties, signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the activities under the Convention on public participation in decision-making and to allocate sufficient resources for this matter;

9. *Decides* to extend in time the mandate of the Task Force on Public Participation in Decision-making, under the authority of the Working Group of the Parties to the Convention, to carry out further work, taking into consideration the relevant work being undertaken by Parties, signatories and other stakeholders;

10. *Welcomes* the offer of Italy to lead the Task Force on Public Participation in Decision-making;

11. *Requests* the Task Force, subject to the availability of resources and taking into account, inter alia, the national implementation reports, the findings of the Compliance Committee of a systemic nature, other relevant assessments and the experiences of the public, to continue working to strengthen the implementation of the public participation provisions of the Convention, with special attention to:

(a) Gathering information on experiences from Parties and stakeholders regarding the application of the Maastricht Recommendations;

(b) Overseeing the collection and dissemination of good practices in public participation in decision-making through the Aarhus Good Practice online database;

(c) Exchanging good practices and identifying innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities;

(d) Identifying the main obstacles to effective public participation in all types of decision-making within the scope of the Convention at the national, subnational and local levels, in particular with regard to issues of a systemic nature such as:

(i) Meaningful and early public participation;

(ii) The availability of all relevant documents to the public;

(iii) Effective notification and time frames for public participation;

(iv) Participation of vulnerable and marginalized groups;

(v) Protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention;

(vi) Ensuring that greater account is taken of the comments from the public in the final decisions, and ensuring the appropriate provision of feedback on how the public's comments have been taken into account in the decisions;

(e) While continuing to consider public participation in climate change-related decision-making, addressing, in collaboration with relevant partner organizations and as appropriate, the following subjects:

(i) Public participation in decision-making on the extractive sector;

(ii) Chemicals;

(iii) Emerging technologies (e.g., nanotechnology);

(iv) Product-related decision-making;

(v) Energy-related issues;

12. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public participation in decision-making during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and stakeholders to exchange experiences on the subject matters that deserve particular attention.

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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Sixth session
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Item 6 (c) of the provisional agenda
Substantive issues: access to justice

Draft decision VI/3 on promoting effective access to justice*

Prepared by the Bureau

Summary

The present document sets out a draft decision on promoting effective access to justice, prepared by the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

In view of its mandate to "make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention" (ECE/MP.PP/2/Add.15, para. 2 (d)), at its twentieth meeting (Geneva, 15–17 June 2016) the Working Group of the Parties requested the Bureau to prepare a draft decision on access to justice for consideration by the Meeting of the Parties at its sixth session.

The Bureau prepared an initial draft decision on the basis of the relevant outcomes of the twentieth meeting of the Working Group of the Parties, the note by the Chair of the Task Force on Access to Justice (AC/WGP-20/Inf.3) submitted to that meeting, the outcomes of the work undertaken by the Task Force in the current intersessional period and the previous decision by

* There have been no major substantive changes made to the most recent version of the text, published as document ECE/MP.PP/WG.1/2017/L.3. The present document is therefore being submitted for publication without formal editing.

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the Meeting of the Parties on the same subject (decision V/3).

As agreed, the draft decision was then distributed to Parties and stakeholders on 27 September 2016 for comments by 7 November 2016.

The Bureau considered the comments received and prepared a revised version of the document for further consideration and approval by the Working Group at its twenty-first meeting (Geneva, 4–6 April 2017).

At its twenty-first meeting, the Working Group revised and approved, as amended at the meeting, the present draft decision on promoting effective access to justice (AC/WGP-21/CRP.3)[1] and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

[1] Available from http://www.unece.org/index.php?id=43897#/.

The Meeting of the Parties,

Recalling the provisions of article 9 and other relevant provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

Also recalling its decisions I/5, II/2, III/3, IV/2 and V/3 on promoting effective access to justice, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

Affirming the importance of the rule of law and the need to further strengthen its application in environmental matters,

Recognizing that effective access to justice in environmental matters is critical for the successful implementation of a number of Sustainable Development Goals, in particular Goal 16,

Mindful that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Justice to date have collectively shown that challenges remain to the full implementation of the third pillar of the Convention across the region,

Having reviewed the reports of the Task Force on Access to Justice submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties (ECE/MP.PP/WG.1/2016/11; ECE/MP.PP/WG.1/2017/6; and ECE/MP.PP//WG.1/2017/5),

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Justice, and expresses its gratitude to Sweden for its leadership of the Task Force;

2. *Encourages* Parties, signatories and other interested States to undertake further considerable efforts to improve the effectiveness of public access to justice in environmental matters, e.g., by removing as the case may be financial and other barriers, such as standing and scope, stimulating multi-stakeholder dialogues, increasing public accessibility to the relevant information as required by the Convention and implementing e-justice initiatives,[2] and calls on international organizations and other stakeholders to support these efforts;

3. *Welcomes* initiatives of Parties, signatories, international organizations and other stakeholders to strengthen the protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention against penalization, persecution, harassment and other forms of retaliation for their involvement, and calls on Parties, signatories, international organizations and other stakeholders to further support such initiatives;

4. *Also welcomes* capacity-building initiatives by Parties, signatories and international organizations and other stakeholders aimed at promoting more effective implementation of article 9 of the Convention, and encourages Parties, signatories and international organizations and other stakeholders, as appropriate, to undertake such initiatives in the next intersessional period;

5. *Expresses its appreciation* to Parties, signatories and other stakeholders for contributing material to the online jurisprudence database concerning the Convention, and calls on Parties, signatories and other stakeholders, including judges, legal professionals and academics, to use and promote the database and to further contribute to its expansion and improvement;

[2] E-justice initiatives include the use of information and communication technologies to improve public access to justice and other types of activities involving the resolution of disputes.

6. *Stresses* the pivotal role that courts play in interpreting provisions of domestic law on access to justice and the importance that such provisions be interpreted in accordance with the Convention;

7. *Also stresses* the significant role of national and international associations of judges, prosecutors and other legal professionals, and in particular of judicial training institutions, and also the substantial role of public interest lawyers and non-governmental organizations in promoting effective public access to justice;

8. *Welcomes* the establishment of a network of the judiciary, judicial training institutions and other review bodies in the pan-European region under the auspices of the Task Force to promote the exchange of experiences in access to justice and the enforcement of the rule of law in environmental matters, and encourages the cooperation of the network with networks of other legal professionals;

9. *Invites* Parties and Signatories to support the participation of representatives of the judiciary, judicial training institutions and other review bodies in the network, invites other such networks to participate in this initiative and calls on partner organizations to support the initiative;

10. *Welcomes* initiatives of the Parties and signatories to strengthen judicial specialization in environmental law and the capacities of courts and other relevant bodies in using independent environmental expertise, as appropriate;

11. *Encourages* Parties to continue the integration, to the extent possible, of the issue of access to justice in environmental matters into the curriculum of law faculties, public administration and judicial training institutions and other relevant institutions supporting the implementation of the Convention;

12. *Decides* to extend in time the mandate of the Task Force on Access to Justice, under the authority of the Working Group of the Parties, to carry out further work in relation to the implementation of the Convention;

13. *Welcomes* the offer of … to lead the work of the Task Force;

14. *Requests* the Task Force, subject to the availability of resources, to undertake the following work:

(a) To promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention, with a focus on the main barriers to effective access to justice and with special attention to:

(i) Information cases;

(ii) Acts or omissions that contravene permit requirements or laws relating to the environment;

(iii) Financial barriers;

(iv) The protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention

(v) Standing;

(vi) Scope;

(b) To identify priority needs with respect to public access to justice in environmental matters, to take stock of capacity-building initiatives taking place in the region and beyond, and to promote the involvement of associations of judges, public interest lawyers and other legal professionals in these initiatives;

(c) As resources allow, to prepare analytical, guidance and training materials to support the work detailed in subparagraphs (a) and (b) above;

(d) To promote understanding and the use of the relevant findings of the Compliance Committee of a systemic nature, multi-stakeholder dialogues and e-justice initiatives, and the dissemination of information on access to review procedures, relevant case law and collections of relevant statistics;

(e) To continue facilitating cooperation and networking among members of the judiciary, judicial institutions and other review bodies of countries from different subregions (e.g., Western, Eastern and South-Eastern Europe, the Caucasus and Central Asia);

15. *Entrusts* the secretariat, subject to the availability of resources, to undertake the following work:

(a) To participate in, plan and implement, as appropriate, capacity-building activities, including workshops and trainings related to access to justice, to be organized in cooperation with relevant partner organizations;

(b) To expand, in cooperation with the Task Force, the web portal for the exchange of jurisprudence concerning the Convention;

(c) To support the networking of the judiciary, judicial institutions and other review bodies under the auspices of the Task Force;

16. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention's activities on access to justice, and to allocate funds for this matter;

17. *Encourages* Parties, signatories, other interested States and partner organizations to facilitate the involvement of representatives of ministries of justice, the judiciary, judicial training institutions, review bodies and other organizations having a strong profile in access to justice issues in relevant activities under the Convention;

18. *Requests* the Working Group to hold a thematic session on promoting the effective public access to justice during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences on the subjects that deserve particular attention.

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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Sixth session
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Item 8 (b) of the provisional agenda
Promotion of the Convention and relevant developments and interlinkages: promotion of the Convention's principles

Draft decision VI/4 on promoting the application of the principles of the Convention in international forums*

Prepared by the Bureau

Summary

The present document sets out a draft decision on promoting the application of the principles of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters in international forums, prepared by the Bureau of the Meeting of the Parties to the Convention.

In view of its mandate to "make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention" (ECE/MP.PP/2/Add.15, para. 2 (d)), at its twentieth meeting (Geneva, 15–17 June 2016) the Working Group of the Parties requested the Bureau to prepare a draft decision on promoting the application of the principles of the Convention in international forums for consideration by the Meeting of the Parties at its sixth session.

The Bureau prepared an initial draft decision on the basis of the relevant outcomes of the twentieth meeting of the Working Group, the note by the Chair of the thematic

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session on promoting the application of the principles of the Convention in international forums (AC/WGP-20/Inf.5) submitted to that meeting, the outcomes of the work undertaken by the Working Group to promote the Convention's principles in international forums during the current intersessional period and the previous decision of the Meeting of the Parties on the same subject (decision V/4).

As agreed, the initial draft was then distributed to Parties and stakeholders on 27 September 2016, with a deadline of 7 November 2016 for comments. The Bureau considered the comments received and prepared a revised version of the document for further consideration and approval by the Working Group at its twenty-first meeting (Geneva, 4–6 April 2017).

At its twenty-first meeting, the Working Group revised and approved, as amended at the meeting, the draft decision on promoting the application of the principles of the Convention in international forums (AC/WGP-21/CRP.4)[1] and requested the secretariat to submit it to the Meeting of the Parties for consideration at its sixth session.

[1] Available from http://www.unece.org/index.php?id=43897#/.

The Meeting of the Parties,

Recalling article 3, paragraph 7, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Recalling also its decisions II/4, III/4, IV/3 and V/4 on promoting the principles of the Convention in international forums, V/5 on the Strategic Plan for 2015–2020 and VI/5 on the Work Programme for 2018–2021,

Noting Human Rights Council resolution 32/31 on civil society space, which emphasizes "the essential role of civil society in subregional, regional and international organizations, including in support of the organizations' work", where that work is relevant to the Convention,

Also noting the reports of the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association in relation to the exercise of these rights in the context of multilateral institutions,

Mindful of the importance of increasing understanding of the challenges faced and the good practices employed by international forums with respect to public participation, through further sharing of experience gained under the Convention with international forums,

Welcoming the increasing number of requests from interested international forums seeking expert assistance from the secretariat and Parties on this topic,

Acknowledging the progress made by Parties, international organizations, international financial institutions, non-governmental organizations and other stakeholders in promoting the application of the Convention's principles,

Mindful of major ongoing international processes, including those related to sustainable development, climate change, chemical and waste management, international financial institutions, stakeholder participation and access to information policies of other United Nations agencies and programmes and international trade negotiations;

Recognizing that expert assistance is an important and powerful tool for promoting the principles of the Convention and sharing the considerable experience accumulated under the Aarhus Convention in an efficient and direct manner,

Also recognizing the valuable work that has been done to implement article 3, paragraph 7, of the Convention, while acknowledging the considerable challenges that still need to be addressed to fully implement this provision,

Having reviewed the reports on the thematic sessions on promoting the principles of the Convention in international forums, held at the Working Group's nineteenth, twentieth, and twenty-first meetings (see ECE/MP.PP/WG.1/2015/2, ECE/MP.PP/WG.1/2016/2 and ECE/MP.PP/WG.1/2017/2),

1. *Notes with appreciation* the work undertaken under the auspices of the Working Group of the Parties, which has provided a true multi-stakeholder platform for effectively addressing a number of important issues;

2. *Expresses* its gratitude to France for its ongoing leadership of this work area;

3. *Reiterates* its commitment to continue to apply the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines), adopted through decision II/4, within the activities and subsidiary bodies established under the Convention;

4. *Encourages* each Party to:

(a) Undertake further actions to promote public participation at the national level regarding international environmental decision-making processes and to take appropriate actions within the framework of international organizations in matters relating to the environment, bearing in mind relevant provisions of the Almaty Guidelines;

(b) Interact within and between its ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines;

(c) Consider innovative ways to improve its own public's access to information and participation in international forums and to share its experience with other Parties;

(d) Consider the relevance of the Convention's principles to ongoing processes under international forums related to the environment in advance of the meetings of these forums and continue, either individually or in collaboration with other Parties, signatories or like-minded Governments, to promote the principles of the Convention in the procedures of other international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums whose practices do not presently reflect the Almaty Guidelines or the principles of the Convention;

(e) Consider providing expert assistance to other interested Parties, signatories or Governments on possible good practices to facilitate more effective public participation in international forums, including when hosting important international events;

(f) Use as a guidance the checklist of measures prepared under the auspices of the Convention when developing action plans to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment;

5. *Decides* to continue the work on promoting the application of the principles of the Convention in international forums under the authority of the Working Group of the Parties;

6. *Requests* the Working Group:

(a) To convene regularly, on a needs basis, a thematic session on promoting the principles of the Convention in international forums during its meetings, with a view to providing opportunities for Parties, signatories and stakeholders to exchange experiences in the context of promoting the application of the principles of the Convention with respect to those international forums within the definition of paragraph 4 of the Almaty Guidelines identified by Parties or stakeholders to be of particular priority; if it considers that one or more specific issues merit more in-depth consideration, to convene, on an ad hoc basis, a workshop or other event on that theme, and/or mandate a consultant or group of experts to examine the subject and to report on their findings to the Working Group, depending on the availability of resources;

(b) To focus on forums dealing with climate change, chemicals and waste, biosafety, and trade negotiations, recognizing that other forums might be also considered, subject to a decision by Parties;

(c) To continue addressing cross-cutting issues (e.g., innovative practices; different modalities for engaging stakeholders; and self-organization of stakeholders);

(d) To continue monitoring the efforts to promote the principles of the Aarhus Convention with regard to the stakeholder engagement and access to information policies of the United Nations Environment Programme, when implementing the 2030 Agenda for Sustainable Development and in international financial institutions;

7. *Requests* the secretariat:

(a) To oversee the collection and dissemination of good practices and innovative initiatives to promote the principles of the Convention through the Aarhus Good Practice online database;

(b) Subject to availability of resources, to provide upon request expert assistance, including, as appropriate, commenting on draft documents and expert participation at meetings or events organized by international forums, training sessions, workshops, learning centres or other platforms:

(i) To interested international forums seeking to make their processes more transparent and participatory;

(ii) To individual Parties wishing to put in place tools or mechanisms to assist the public to participate more effectively in international forums, including when hosting an important conference of any international forum;

8. *Invites* Parties, signatories, international and other organizations to continue supporting the implementation of article 3, paragraph 7, of the Convention:

(a) At the national level, by supporting the participation of the public before, during and in the follow-up to meetings and events of international forums;

(b) At the international level, by supporting international forums to promote more effective public participation in their projects, processes and policies;

(c) By supporting the activities of the Convention's work programme on this topic, including the secretariat's expert assistance and capacity-building work, in order that it may respond usefully to the expected ongoing demand;

9. *Welcomes* the offer of France to lead the work on promoting the application of the principles of the Convention in international forums.